

REMARKS

1. Claims 1-6 were rejected under 35 USC §112; however, as claims 1-6 are cancelled, so this rejection is moot.
2. Claims 1-8 are rejected under 35 USC §102(b) as anticipated by Jacobs, US 5,957,516. Claim 9 was rejected under 35 USC §103(a) as unpatentable over the Jacobs patents. Applicant has cancelled claims 1-6, amended claims 7-10, and added new claim 11, and Applicant respectfully submits that the new and amended claims are patentable in light of the prior art.

Applicant respectfully submits that claim 7 is patentably distinct over the prior art based upon the location of the coil spring. While the prior art coil spring is located in an internal cavity of the handle and abuts a mounting rod of the shovel, the present invention includes a coil spring around the mounting rod so that it abuts the tool head and the handle.

Applicant respectfully submits that claim 10 is patentably distinct over the prior art based upon the oval or rectangular cross-section of the mounting rod. A round cross section, as shown in the prior art, does not provide any support to the handle, but allows it to twist freely with respect to the tool head. This forces the connection pin to bear all of this considerable strain, eventually leading to the failure of the tool. The present invention teaches the use of a mounting rod that is either square or oval, thereby (1) facilitating the assembly of the tool, and (2) providing support so that the handle cannot rotate with respect to the tool head. This is an important improvement that is not shown in the prior art.

Applicant respectfully submits that claim 11 is patentably distinct over the prior art based upon the inclusion of the mounting cable to connect the tool head to the handle. It is critical that the tool head not fall off of the tool, because a tool head would cause grave injury if it fell on a person, especially if it fell from the top of a building. The inclusion of the mounting cable is a critical improvement that is not shown or suggested in the prior art.

3. A petition and fee for extension of time in the present response of 2 months is enclosed herewith. Therefore this amendment is timely filed as of the date of deposit shown below.
4. Applicant respectfully requests allowance of claims 7-11; there being now 3 independent claims and 5 total claims in the application no further fees for additional claims are required.
5. In closing, I wish to express my appreciation for your kind consideration and helpful comments.

Respectfully submitted,



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Certificate of Facsimile Transmission

I hereby certify that this correspondence is being sent via facsimile to 703-305-3579 on 10-6-03 date of deposit.

Signature: _____

Eric Karich